

AGENDA

Zoning Board of Appeals/Planning Commission Tuesday, December 22, 2020, at 6:00 pm

Evans Community Complex, City Council Chambers, 1100 37th Street

ZONING BOARD OF APPEALS

1. CALL TO ORDER:

2. ROLL CALL:

Chairman: Lyle Achziger
Vice-Chairman: Kalen Myers
Commissioners: Billy Castillo
Mark LeClere

Robert S. Phillips, III

3. APPROVAL OF THE MINUTES: 11/24/2020

**Motion/Vote:

4. ADJOURNMENT:

**Motion/Vote:

PLANNING COMMISSION

1. CALL TO ORDER:

2. ROLL CALL:

Chairman: Lyle Achziger
Vice-Chairman: Kalen Myers
Commissioners: Billy Castillo
Mark LeClere

Robert S. Phillips, III

3. APPROVAL OF THE AGENDA:

**Motion/Vote:

4. APPROVAL OF THE MINUTES: 11/24/2020

**Motion/Vote:

5. 2021 PLANNING FORECAST:

Anne Best Johnson, Community Development Director Lauren Richardson, Staff Planner

6. MOTION TO ADJOURN:

**Motion/Vote:



AGENDA

Zoning Board of Appeals/Planning Commission Tuesday, November 24, 2020 – 6:00 pm

This meeting will be held via Zoom due to COVID-19 safety precautions

Directions to join the meeting:

Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join. https://us02web.zoom.us/j/81473314318

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301

715 8592 or +1 312 626 6799 Webinar ID: 814 7331 4318

International numbers available: https://us02web.zoom.us/u/kGN3wqAE

ZONING BOARD OF APPEALS

1. CALL TO ORDER: 06:00 pm

2. ROLL CALL: 06:01 pm

Chairman: Lyle Achziger – present
Vice-Chairman: Kalen Myers – present
Commissioners: Billy Castillo – present
Mark LeClere – present
Robert S. Phillips, III – present

3. INNOVATIVE FOOD VARIANCE: 06:02 pm

Innovative Foods, a meat processing company located in Evans Industrial Park at 4320 Industrial Parkway, is requesting two (2) variances in the I-1 zone district to accommodate site renovation and improvements in the wake of a fire early this year.

Lauren Richardson, City Planner, for City of Evans

Lauren Richardson presents .pptx and goes over location and business of applicant. In March 2020, there was a fire in the main building, and in July that original building was demolished. This application is to accommodate requests to do with their new building. Shows setback and encroachment requests on maps of property.

Identifies how process has been met. Identifies how application criteria have been met.

Staff finds that the variance requests are minimal and not unreasonable.

No questions. No further presentation from applicant. No public comment.

Public hearing closed - 06:11 pm



<u>Comment</u>: Fairly straightforward application. Applicant is only off by a few feet, don't see a problem.

<u>Comment</u>: Agree. Don't see a problem with their application.

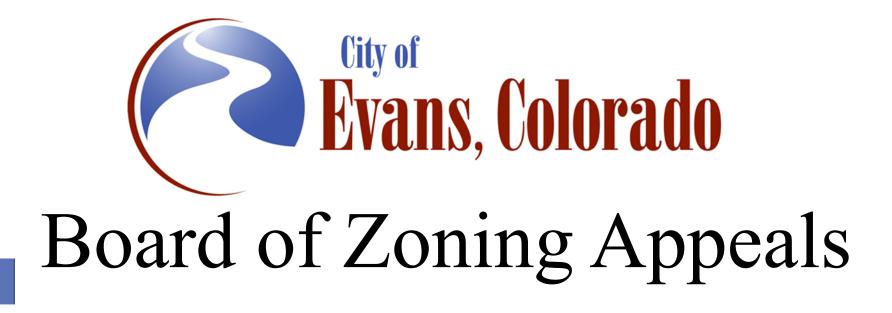
<u>Comment</u>: Agree. This is a long-time business here in Evans. They contribute positively to the City. The variances they request do not impose any hardship on any business around them or any other aspect of the City.

06:14 pm **Motion/Vote: (Myers) I move to recommend approval of Resolution No. 38-2020 to City Council for their consideration. (Phillips) Second. Passes unanimously.

4. MOTION TO ADJOURN: 06:15 pm

**Motion/Vote: (Phillips) I move to adjourn the Zoning Board of Appeals meeting. (Myers) Second. Passes unanimously.





Innovative Foods Variance Request November 24, 2020



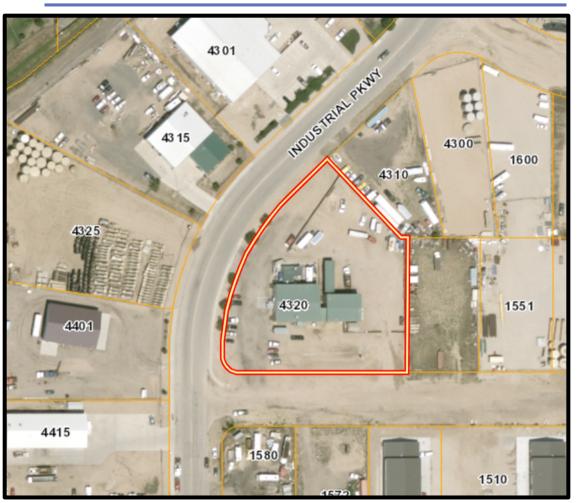


Evans, Colorado

Address: 4320 Industrial Parkway

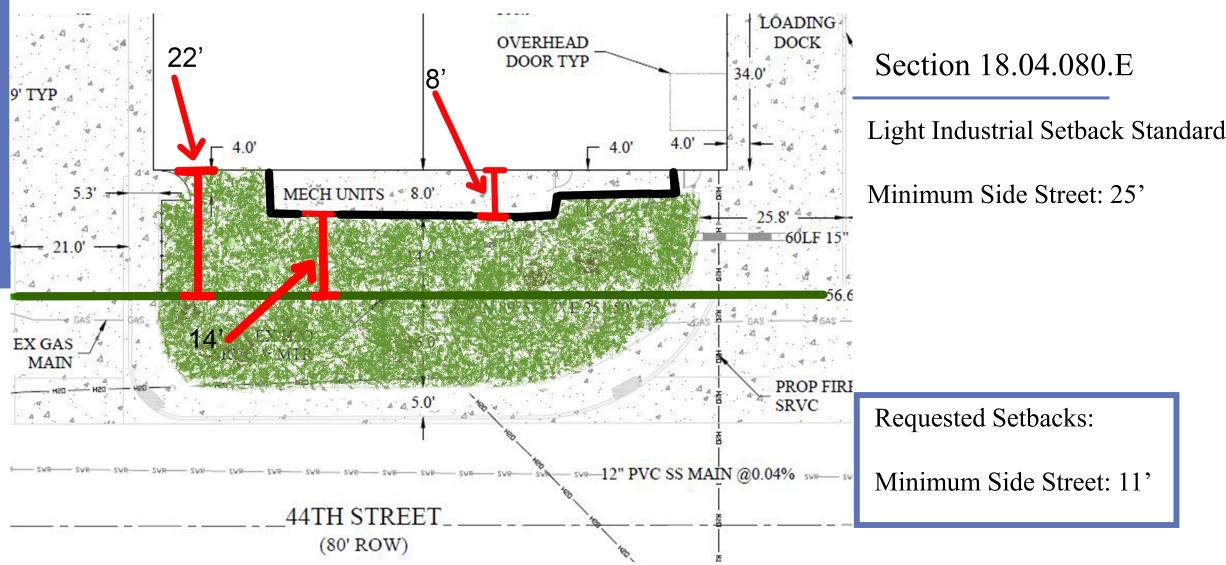
Current Zoning: Light Industrial

Size: 1.51 acres



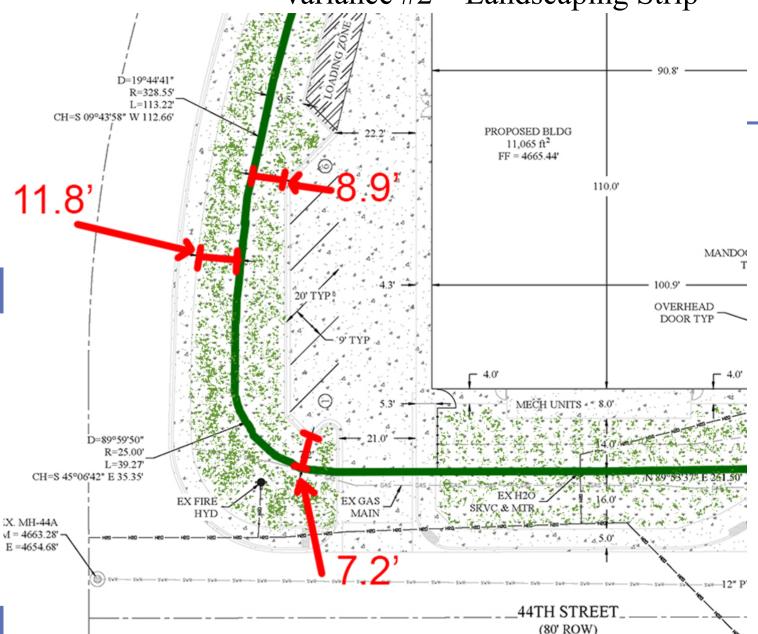
Variance #1 – Side Street Setbacks











Section 18.08.070.2.a

- 2.Landscaping and irrigation plans for all nonresidential projects shall meet the following requirements:
- a. Properties one (1) acre or greater in area shall have a tenfoot wide landscape strip extending inward from any property line which abuts right-of-way.

The applicant is requesting a 2.8 foot and a 1.1 foot variance to accommodate an expanded building footprint.



Process Flow Section 18.06.100

Pre-Application

Application

Public Notice

Public Hearings

-Meetings with City Staff -Application

requirements

-Processing standards

-Review criteria

-Design standards

-Describe project

Process: 18.06.100

-Application Submittal

-Completeness Review

-Public Notice

-Referral Responses

-Development Review

Team

-Staff Report

18.10.010: Public Notice SPO Notice 11/09/20

Published Notice

Greeley Tribune on 11/11/20

Sign Posted

11/05/20

Board of Zoning

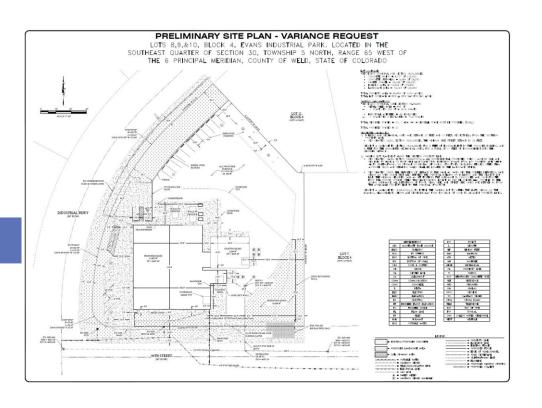
<u>Appeals</u>

11/24/20

<u>City Council</u> 12/01/20

Section 18.06.100.D Criteria for Review and Approval





- D. Criteria for a variance.
 - 1. All of the following circumstances must be determined to be true in order to approve a variance:



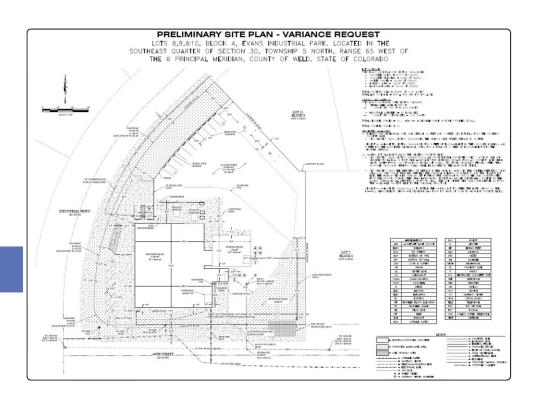
a. Approval of the variance would not jeopardize the health, safety or welfare of any person;



b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure;

Section 18.06.100.D Criteria for Review and Approval





- c. Literal interpretation and enforcement of the terms and provisions of this Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following conditions apply:
 - (1) There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or
 - (2) Granting the variance will not confer upon the Applicant any special privilege denied by the Evan Comprehensive Plan and the terms of this Title to other parcels, buildings or structures, in the same zone district.



. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.



AGENDA

Zoning Board of Appeals/Planning Commission Tuesday, November 24, 2020 – 6:00 pm

This meeting will be held via Zoom due to COVID-19 safety precautions

Directions to join the meeting:

Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join. https://us02web.zoom.us/j/81473314318

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301

715 8592 or +1 312 626 6799 Webinar ID: 814 7331 4318

International numbers available: https://us02web.zoom.us/u/kGN3wqAE

PLANNING COMMISSION

1. CALL TO ORDER: 06:17 pm

2. ROLL CALL: 06:17 pm

Chairman: Lyle Achziger – present
Vice-Chairman: Kalen Myers – present
Commissioners: Billy Castillo – present
Mark LeClere – present

Robert S. Phillips, III – present

- 3. APPROVAL OF THE AGENDA: 06:17 pm
 - **Motion/Vote: (Phillips) I move to approve the agenda. (Myers) Second. Passes unanimously.
- 4. **APPROVAL OF THE MINUTES**: 10/27/2020 **06:18** pm
 - **Motion/Vote: (Myers) I move to approve the minutes of the 10/27/2020 Planning Commission Meeting. (Phillips) Second. Passes unanimously.
- 5. CODE AMENDMENT: 06:19 pm
 - Repeal and Replacement of Sections 18.06.060, 18.06.070, 18.06.080 and 18.06.090 to create a unified Redevelopment process; to bring Plot Plans (18.06.090) and Site Plans (18.06.090) together with Special Use Permits (18.06.060) in one land use Chapter of the Code;
 - Creation of a Redevelopment land use process;
 - Amendment to the Residential Zone Districts Dimensional Standards and the Zoning Tables found in Chapter 18.04;



- Amendment to the Public Notice requirements found in Chapter 18.10;
- Addition to the Definitions found in Chapter 18.03;
- Clarification of the intent of Development Standards found in Chapter 18.08.

Anne Best Johnson, Community Development Director for City of Evans

06:20 pm: Planner Anne Best Johnson goes through .pptx. Since work session on this topic before, Staff has been going through the Code and cleaning up small inconsistencies like capitalizations and spelling. But overall, the high-level concept is the same. Staff is looking to formalize process now.

Describes proposed changes item by item. Some items are not changed, simply clarified. Describes added process of Redevelopment and how it will help older properties that are currently non-conforming to come into compliance. Explains intent of Development Standards and how clarifying this will help all compliance processes including. Consolidates public notice process to clarify need and reduce redundancy. Clarify intent of land use tables in Chapter 18.04.

<u>Comment</u>: Read through redline version and clarifications are good improvements. Congratulations on all this hard work.

Question: When will Council be adopting this?

<u>Answer</u>: First reading is next Tuesday, December 1. Second reading will be December 15. Also advertising in the Business Blast to get the word out. Adoption would be December 15 to go into effect on December 16.

<u>Comment</u>: There is definitely a need to clean up the Code. The clean version does have some typos in it, but the Ordinance is correct.

Comment: Big thanks to Staff for the work and effort that is done here.

06:40 pm:**(Phillips) I move to forward a recommendation of approval of the proposed changes to the Land Use Code as described in Ordinance 733-20 to City Council for consideration. (Myers) Second. Passes unanimously.

6. REPORT BY STAFF: 06:41 pm

Would like to thank Lauren Richardson, Heather Utrata, Kyle Fehr, and Drew Lyman for their time in reviewing these proposed Code changes. The team really helped with this.

On December 8, we are having our Master Plan Steering Committee about opportunities to have virtual visioning sessions about the Master Plan. Everything will be done on Zoom on that date. This is a good opportunity to get your neighbors involved. Sessions are limited to 25 people per session. Staff will be sending out a notice tomorrow. Please share it so we can get as much community engagement as we can.

Also, opportunity to involve through a platform called Conveo that will not be on December 8. There will be a children's version of this as well that Kent Henson will get pushed out to them through the school district.



We may have a December hearing, depending on the status of applications.

In 2021, there are more applications coming your way and more Code changes. Simplifying, streamlining, etc.

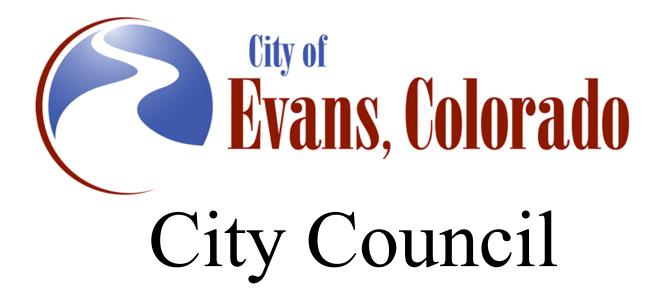
Question: Does PC Chair want to capture who makes each motion and who seconds it?

Response: Yes.

7. MOTION TO ADJOURN: 06:46 pm

**Motion/Vote: (Myers) I move to adjourn this meeting. (Phillips) Second. Passes unanimously.





Land Development Processes:

Plot Plans, Minor Development, Site Plans,
Special Use Permits
November 24, 2020

Section 1: Amend 18.06



18.06.060: Provide clarifying language to communicate the intention and outline steps for the pre-application conference

18.06.060.C: Move Plot Plan process from 18.06.090.G to this new Section.

18.06.060.D: Create a new land use process for Redeveloment

18.06.060.E: Move Site Plan process from 18.06.090, clarify intent, refine application submittal expectations, clarify the review process, clarify the criteria for approval

18.06.060.F: Special Use Permit process: clarify intent, provide a list of application materials, refine the review process and criteria for approval

Section 2: Section 18.04.050.I



Refine the existing table listing residential bulk requirements to address ambiguous language, questions raised by the public, and confirm interpretation of setbacks, lot sizes, etc.

Section 3: Add a definition of "Redevelopment" to Section 18.03.010

Redevelopment means any proposed change in use of existing structures or properties inclusive of an expansion, addition, façade change, parking facility, or increase to the impervious surface of a parcel of land. A non-conforming use, structure, property/lot or sign may be brought into conformity through the Land Use Permit process as long as the contemplated use is allowed in the Zone District it is proposed within.



Section 4: Section 18.08.020

18.08.020: Clarify intent of Development Standards

18.08.020 Development Design Standards

A. Compliance with regulations. No Building Permit or Grading Permit shall be issued; no Development Agreement or Site Improvements Agreement shall be approved by Council; and no final plat, Special Use Permit, Site Plan or Redevelopment Plan will be accepted for recording final plat shall be approved by the Council unless it complies with the standards set out in this Chapter and the engineering criteria provided by the Public Works Department.



Section 5: Public Notice

18.10.010: Public Notice – Clarify need, reduce redundancies

Section 6: Land Use Tables found in Chapter 18.04

Clarify intent of the land use permits needed in each zone district, clarify what the "P" signifies in the permit column, need, reduce redundancies





Rationale









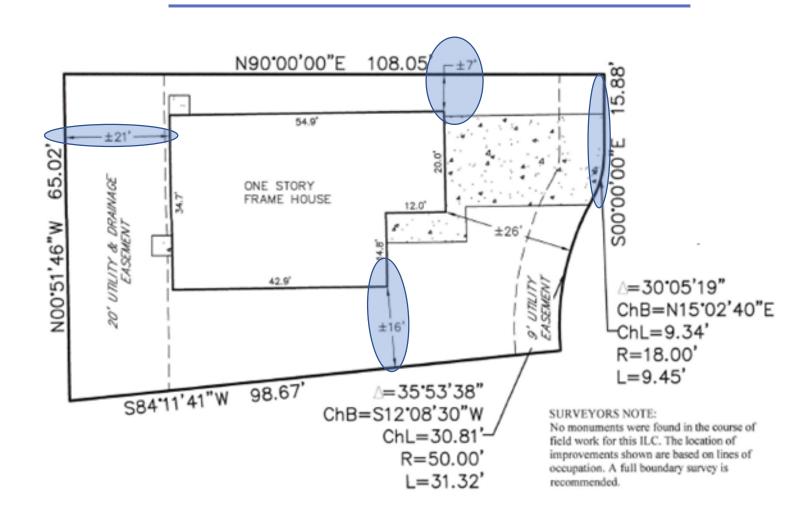
Building Permit

- Single Family
- Duplexes

What we look for:

- Zoning Use
- PUD Plan variance
- Bulk/Density

Plot Plans





- Access
- Noise, Light, Odors, etc.
- Landscaping
- Site and structure
- Public Notice Process

What we look for:

- Zoning and proposed use
- Compatibility
- Bulk/Density
- Flexibility and Phasing



Minor Development/Re-Development





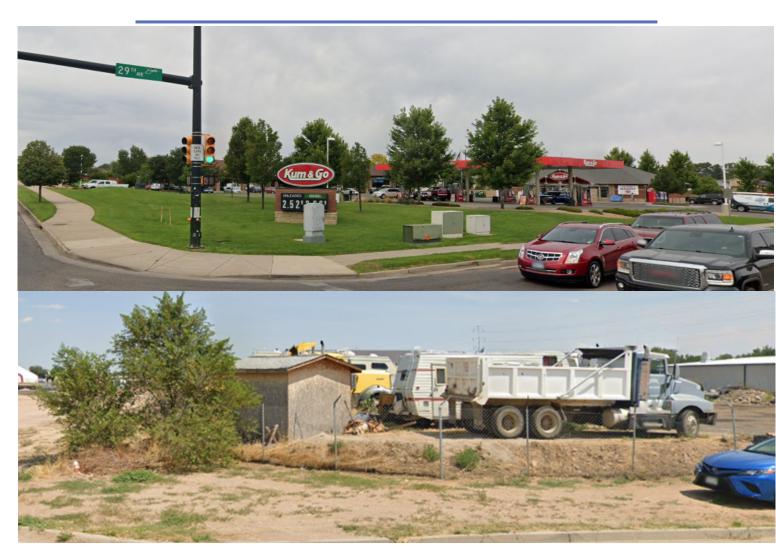
- Access, Drainage
- Noise, Light, Odors, etc.
- Landscaping
- Site and structure
- Public Notice Process

What we look for:

- Zoning and proposed use
- Compatibility
- Bulk/Density
- Utilities, Facilities, Drainage
- Flexibility and Phasing



Site Plans



Compatibility/Conformance

- Access, Drainage
- Noise, Light, Odors, etc.
- Landscaping
- Site and structure
- Public Notice & Hearing Process

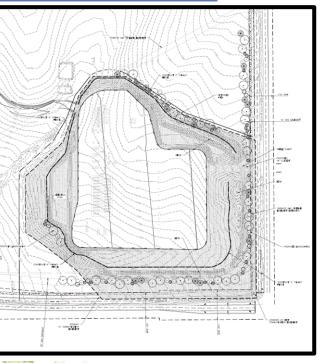
What we look for:

- Zoning and proposed use
- Compatibility
- Bulk/Density
- Utilities, Facilities, Drainage
- Flexibility and Phasing



Special Use Permits







PLANNING COMMISSION AGENDA REPORT

DATE: December 22, 2020

SUBJECT: 2021 Planning Forecast

PRESENTED BY: Anne Best Johnson, Community Development Director

Lauren Richardson, City Planner

ITEM DESCRIPTION:

The City has several land use applications for Special Use Permits pending finalization prior to bringing before the Planning Commission. These applications are pending completion by the applicant. Once completed, the cases will be posted, noticed and published prior to bringing to the Planning Commission for a public hearing.

Staff continues to identify opportunities to clarify Code language that is not clear and identify opportunities for improvement to the Code. The following Sections and subjects are recognized as needing a review. Future work sessions will be held to discuss the details of each proposed Code change. The following list is aggressive, and Staff may not be able to accomplish each entry on this list however, these items are presented in no particular order of importance.

- 18.09. The Sign Code will be repealed and replaced in early 2021 to reflect content neutrality. Outside consultants are collaborating with City Staff and the Attorney team. Planning Commission has held a work session on this matter and a Code Amendment in early 2021 will be presented for consideration.
- 18.05.020. Accessory Uses and Structures: Review of the required placement and allowable quantity of Accessory Structures. Review the fences, walls and hedges section to clarify placement in relationship to lot lines, setbacks and the sight distance triangle. Refine the Home Occupation section to determine the difference between a Home Occupation and a Home Business. Determine the land use process for both.
- 18.05.040. Non-Conforming Situations. Review this section to determine if the provisions are clear, determine if a formal process establishing a non-conforming situation is needed, and assess how communities surrounding the City of Evans manages these situations.
- 18.06.080. Oil and Gas. Guest presentation by Weld County Oil and Gas Division to discuss regulatory changes made by the Colorado Oil and Gas Conservation Commission and how these changes affect the City of Evans. Determine through review of the Evans Code if amendments are necessary regarding above-surface disturbance and permitting.
- 18.04.090 and 18.08.100. US 85 Corridor Zoning and Development Standards. Working with Economic Development and through the Master Plan process, the US 85 Corridor will be analyzed to determine its effectiveness, the limitations, and the future direction of the Corridor.
- Certification Blocks are tucked in the Final Plat section of the Code and are needed for all land use applications including Site Plans, Special Use Permits and Replats, for

- example. Staff will propose moving this from the Final Plat section into its own section with reference made in all other sections to where to find the guidance on certification blocks
- 18.07.100 and 18.07.110. Minor Developments. This Section of the Code will be reviewed to determine if modifications are needed. The processes are important however, the language may need to be amended.
- Areas and Activities of State Interest, also known as 1041 Activities. The City's Land Use Code does not address these types of land use permits. Colorado Revised Statutes do and incorporation by reference or stand-alone regulations may be needed.
- 18.06.020. Annexation. This section of the Code has been intentionally left blank. Staff will suggest at a minimum, reference to Colorado Revised Statutes and a listing of the City's application requirements and processing procedures.
- Convenience Store locations. The City may evaluate the Code to determine spacing and frequency of Convenience Stores to avoid over proliferation. Analysis of how neighboring communities guide this type of development will be completed before making any suggested changes.
- As an outcome to the Master Planning process currently underway, changes to the Land
 Use Code may be warranted to encourage a greater diversity of Housing types.
 Accessory Dwelling Units, smaller lot sizes, density bonuses may be brought to Planning
 Commission for consideration pending the outcome to the Housing analysis currently
 taking place.
- Short-term rentals offer options and conflicts in neighborhoods. Staff will explore how neighboring communities guide this type of development along with SAFEBuilt, the City's Building Department.
- The Land Use Tables and the Bulk Density Tables will be reviewed to determine if a zone-based presentation is still preferred or if a use-based presentation may be more helpful.

REQUESTING FROM PLANNING COMMISSION:

Staff is requesting questions and comments from Planning Commission the proposed amendments.